

THE HONORABLE ROBERT S. LASNIK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KEVIN HELDE, JOHN BODILY, and
MAX TENA, on their own behalf and on
the behalf of all others similarly situated,

Plaintiffs,

v.

KNIGHT TRANSPORTATION, INC.,

Defendant.

No. 2:12-cv-00904 RSL

**STIPULATION AND ~~PROPOSED~~
ORDER TO AMEND ORDER
REGARDING PLAINTIFFS' MOTION
FOR ATTORNEYS' FEES AND
LITIGATION COSTS**

NOTE ON MOTION CALENDAR:
October 27, 2017

On October 26, 2017, this Court entered an Order Regarding Plaintiffs' Motion For Attorneys' Fees And Litigation Costs (dkt. no. 209). In the Order, the Court approved a lodestar for class counsel of \$934,408.17, the figure requested in class counsel's opening brief. Order at 3:3. Class Counsel adjusted the requested lodestar in their reply brief to \$932,995.97. *See Reply In Support Of Plaintiffs' Motion For Award Of Attorneys' Fees And Reimbursements Of Litigation Costs* (dkt. No. 202) at 4:4 ("The revised lodestar is \$932,995.97."). Under the revised lodestar, application of a 1.25 multiplier results in a total fees award of \$1,166,244.96.

The Order also directs defendant to pay the attorneys' fees and costs within ten days of the Order. Order at 4:5-6. However, the parties had agreed as part of the Class Action

1 Settlement Agreement that defendant shall pay all attorneys' fees and litigation costs awarded
2 by the Court "[w]ithin ten days of the Effective Date" of the Class Action Settlement
3 Agreement. See Declaration of Toby J. Marshall In Support Of Plaintiffs' Motion For
4 Preliminary Approval Of Class Action Settlement (dkt. No. 188) at p. 13 (Section II.F. of the
5 Class Action Settlement Agreement).

6 The parties thus agree and stipulate as follows:

7 **I. STIPULATION**

8 The parties agree it is appropriate for the Court to amend the Order and respectfully
9 request that the Order be amended to:

- 10 (i) Correct the requested and approved lodestar to \$932,995.97;
11 (ii) Correct the attorneys' fees award to \$1,166,244.96; and
12 (iii) Require Defendant to pay all attorneys' fees and litigation costs awarded by the
13 Court within ten days of the Effective Date of the Class Action Settlement
14 Agreement.

15 IT IS SO STIPULATED.
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Respectfully submitted this 27th day of October, 2017.

TERRELL MARSHALL DAUDT
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II. ORDER

IT IS HEREBY ORDERED that the Order Regarding Plaintiffs' Motion For Attorneys' Fees And Litigation Costs (dkt. no. 209) shall be amended. Class Counsel's requested and approved lodestar is corrected to \$932,995.97. The total award of attorneys' fees to Class Counsel is corrected to \$1,166,244.96. The award of litigation costs shall remain the same, at \$64,308.05. Defendant shall pay all attorneys' fees and litigation costs awarded by the Court within ten days of the Effective Date of the Class Action Settlement Agreement.

IT IS SO ORDERED.

DATED this 30th day of October, 2017.



HON. ROBERT S. LASNIK
United States District Judge

1 *Presented by:*

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